

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAINTERS DISTRICT COUNCIL
NO. 2, et al.,

Plaintiffs,

vs.

DKW CONSTRUCTION CO., INC.,

Defendant.

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No. 4:08-CV-37 (CEJ)

MEMORANDUM AND ORDER

In the Memorandum and Order dated August 12, 2009, the Court granted plaintiffs' motion for summary judgment and awarded damages. Specifically, the Court found that plaintiffs had established their right to recover damages in the sum of \$18,786.22, for unpaid contributions, administrative costs, liquidated damages, and interest, and entered judgment in that amount. Attorneys' fees and court costs were not included in the judgment, although the Court noted that plaintiffs could recover them. In fact, plaintiffs did not submit any information to the Court to support a claim for attorneys' fees and costs. They now explain that such information was incomplete at the time the motion for summary judgment was ruled. Thus, plaintiffs now ask for reconsideration of the damages award and judgment.


As the prevailing party, plaintiffs are also entitled to recover attorneys' fees and court costs. See 29 U.S.C. § 1132(g)(2). Having reviewed the plaintiffs' motion to reconsider and the affidavit of plaintiffs' counsel, the Court finds that plaintiffs have established that they are entitled to recover from the defendant

attorneys' fees in the amount of \$4,469.40 and costs in the amount of \$350.00. Accordingly, the judgment will be amended to include these amounts.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for reconsideration [Doc. #29] is **granted**.

An amended judgment will be filed separately.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2010.